

# **Town Board Minutes**

## **Meeting No. 3**

### ***Special Meeting***

**February 2, 1994**

MEETINGS TO DATE 3  
NO. OF REGULARS 2  
NO. OF SPECIALS 1

LANCASTER, NEW YORK  
FEBRUARY 2, 1994

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 2nd day of February, 1994, at 7:00 P.M. and there were

PRESENT: LUCIAN J. GRECO, SUPERVISOR  
ROBERT H. GIZA, COUNCIL MEMBER  
DONALD E. KWAK, COUNCIL MEMBER  
PATRICK C. POKORSKI, COUNCIL MEMBER  
GEORGE E. O'NEIL, PLANNING BOARD CHAIRMAN  
JOHN P. GOBER, PLANNING BOARD MEMBER  
DONNA G. STEMPIAK, PLANNING BOARD MEMBER  
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER  
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ABSENT: MARTIN MEMMINGER, PLANNING BOARD MEMBER  
JOHNSTON N. REID, JR., PLANNING BOARD MEMBER  
THOMAS H. VAN NORTWICK, COUNCIL MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
JOSEPH F. REINA, ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
ROBERT H. LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of six actions.

IN THE MATTER OF THE SEQR REVIEW OF  
MICHAEL'S LANDING SUBDIVISION

The joint boards then proceeded with the Environmental Assessment on the proposed Michael's Landing Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER O'NEIL, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
PROPOSED MICHAEL'S LANDING SUBDIVISION  
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact, the lead agency, now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 25 acres.

The location of the premises being reviewed is on the east side of Lake Avenue, south of William Street.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect upon threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.

12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not affect existing transportation systems. It is noted that a traffic study is to be completed at a future date.
15. The proposed action will have a small to moderate affect upon the community's sources of fuel or energy supply.
16. There will be some small to moderate objectional odors, noise, or vibration as a result of this proposed action during construction only.
17. The proposed action will not affect public health and safety. It is noted that a high pressure Mobil petroleum pipe line does traverse the site.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is some public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Lucian J. Greco, Supervisor  
Town of Lancaster

February 2, 1994

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MEMMINGER	WAS ABSENT
PLANNING BOARD MEMBER REID	WAS ABSENT
PLANNING BOARD MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

February 2, 1994

**IN THE MATTER OF THE SEQR REVIEW OF  
REGENTS PARK SUBDIVISION**

The joint boards then proceeded with the Environmental Assessment on the proposed Regents Park Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER O'NEIL, WHO  
MOVED ITS ADOPTION,                      SECONDED BY  
SUPERVISOR GRECO,                      TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
REGENTS PARK SUBDIVISION  
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact, the lead agency, now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 11 acres.

The location of the premises being reviewed is on the south side of Genesee Street, west of West Home Road and east of Transit Road.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.

4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not affect existing transportation systems.
15. The proposed action will not affect the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is some public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Lucian J. Greco, Supervisor  
Town of Lancaster

February 2, 1994

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED NO
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MEMMINGER	WAS ABSENT
PLANNING BOARD MEMBER REID	WAS ABSENT
PLANNING BOARD MEMBER STEPNIAK	VOTED NO
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED NO

The Notice of Determination was thereupon unanimously adopted.  
February 2, 1994

**IN THE MATTER OF THE SEQR REVIEW OF  
WINDSOR RIDGE SUBDIVISION**

The joint boards then proceeded with the Environmental Assessment on the proposed Windsor Ridge Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD SZYMANSKI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
WINDSOR RIDGE SUBDIVISION  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact, the lead agency, now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

## NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 162 acres.

The location of the premises being reviewed is on the east side of Lake Avenue, south of William Street.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not affect existing transportation systems.
15. The proposed action will not affect the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s

Lucian J. Greco, Supervisor  
Town of Lancaster

February 2, 1994



and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MEMMINGER	WAS ABSENT
PLANNING BOARD MEMBER REID	WAS ABSENT
PLANNING BOARD MEMBER STEPNIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.  
February 2, 1994

**IN THE MATTER OF THE SEQOR REVIEW OF THE  
REZONE PETITION OF MARRANO/MARC EQUITY CORP.**

The Review Committee acknowledged that this SEQOR Review was being conducted only on the rezone petition and the environmental impacts associated with the proposed rezone. If the petitioner, at a future date, proposes a subdivision within the rezone area, a separate SEQOR review will be necessary for the proposed rezone.

The joint boards proceeded with the short Environmental Assessment Form on the rezone petition of Marrano/Marc Equity Corp. matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SZYMANSKI,  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER WHITTAKER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:**

**REZONE PETITION OF MARRANO/MARC EQUITY CORP.**

**NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact, the lead agency, now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 2.82 acres.

The location of the premises being reviewed is located on the west side of Central Avenue, north of Marky Avenue and south of Taft Avenue.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
    - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
No adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
No adverse effects noted
- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
It is noted that a small increase in land density will occur.
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
No adverse effects noted
- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
No adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).  
No adverse effects noted
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Lucian J. Greco, Supervisor  
Town of Lancaster

February 2, 1994

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MEMMINGER	WAS ABSENT
PLANNING BOARD MEMBER REID	WAS ABSENT
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

February 2, 1994

IN THE MATTER OF THE SEQR REVIEW OF THE  
SITE PLAN FOR HOLY MOTHER OF THE ROSARY CATHEDRAL COMPLEX

The joint boards then proceeded with the Environmental Assessment on the proposed site plan for Holy Mother Of The Rosary Cathedral Complex matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO, WHO MOVED ITS  
ADOPTION, SECONDED BY PLANNING BOARD  
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION  
SITE PLAN FOR HOLY MOTHER OF THE ROSARY CATHEDRAL COMPLEX  
NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact, the lead agency, now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 8 acres.

The location of the premises being reviewed is on the north side of Broadway, west of Ransom Road.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not affect existing transportation systems.
15. The proposed action will not affect the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.

19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Lucian J. Greco, Supervisor  
Town of Lancaster

February 2, 1994

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MEMMINGER	WAS ABSENT
PLANNING BOARD MEMBER REID	WAS ABSENT
PLANNING BOARD MEMBER STEPNIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

February 2, 1994

**IN THE MATTER OF THE SEQR REVIEW OF THE  
REZONE PETITION OF M.A. TUFILLARO BUILDERS, INC.**

The Review Committee acknowledged that this SEQR Review was being conducted only on the rezone petition and the environmental impacts of the proposed rezone. If the petitioner, at a future date, proposes a subdivision within the rezone area, a separate SEQR Review will be necessary for the proposed subdivision.

Page 140

The joint boards then proceeded with the Environmental Assessment on the proposed rezone petition of M.A. Tufillaro Builders, Inc. matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER O'NEIL, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION  
REZONE PETITION OF M.A. TUFILLARO BUILDERS, INC.  
NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact, the lead agency, now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 25 acres.

The location of the premises being reviewed is on the east side of Transit Road, south of William Street, located behind the Valu Home Center.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will have a small to moderate affect on existing transportation systems.
15. The proposed action will not affect the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is some public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Lucian J. Greco, Supervisor  
Town of Lancaster

February 2, 1994

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.



The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED NO
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MEMMINGER	WAS ABSENT
PLANNING BOARD MEMBER REID	WAS ABSENT
PLANNING BOARD MEMBER STEMPIAK	VOTED NO
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED NO

The Notice of Determination was thereupon unanimously adopted.

February 2, 1994

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 8:55 P.M.

*Robert P. Thill*

Robert P. Thill, Town Clerk